



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,085	02/28/2002	Manuel Meitin		5450

7590 05/07/2003

PEDRO QUINONES
2800 SW 26 St.
MIAMI, FL 33133

EXAMINER

PANG, ROGER L

ART UNIT	PAPER NUMBER
----------	--------------

3681

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Appli ation No.

10/083,085

Applicant(s)

MEITIN ET AL.

Examiner

Roger L Pang

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The following action is in response to the amendment filed for application 10/083,085 on April 14, 2003.

Election/Restrictions

Applicant's election without traverse of Transmission 1 in Paper No. 5 is acknowledged.

Information Disclosure Statement

The information disclosure statement filed April 12, 2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the driving wheels, engine, by-pass hydraulic valve, accelerator pedal and hydraulic pressure regulation valve must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: carrier 8 (See Fig. 1). A proposed drawing correction, corrected drawings, or amendment to the specification to add the

Art Unit: 3681

reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the reference line for part 9 is directed toward a bevel gear, and not the drum (carrier?). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Please Note: Applicant need not cancel a drawing for an election of species. Fig. 2 has been thereby been retained.

Specification

Claims 1-4, and 6 are objected to because of the following informalities: In all the claims, there should only be a period at the end of the claim. There are also multiple grammatical errors. In claim 4: on line 7, the word "yoque" should be replaced with -yoke--. Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The limitation of a brake for partially sopping the hydraulic device (see claim 3) is not in the specification.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves

Art Unit: 3681

modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because of grammatical errors (i.e. line 1, "An" should be replaced with --A--; line 8: "compliments" should be replaced with --compliment--, "works" should be replaced with --work--); also, the last two lines of the abstract do not appear to be true of the present invention. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant did not disclose any of limitations a), b), or c) within the original disclosure. It is recommended that applicant cancel this claim.

Art Unit: 3681

Claims 2-3 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The brake associated with the drum (Claim 2) and the brake for stopping the hydraulic device are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Applicant disclosed the carrier of the bevel transmission as being "locked", but never disclosed a brake or free wheel for it. Also, the brake for the carrier of the planetary transmission (part 8) was never disclosed (see Drawing objections).

Claims 1-4, and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant's invention, as disclosed and claimed, will not operate correctly. Applicant has disclosed that the planet will rotate faster than the sun gear when the brake (7) is engaged. This cannot happen, since the sun gear is directly connected to the engine output shaft, and the planet is connected to the torque converter output. Also, applicant has disclosed (in claim 3) that the hydraulic device will be halted (via brake 8, it is assumed). However, brake 8 is connected to the carrier, which is directly connected to the output shaft to the bevel transmission. If that is braked, there will be no output to the wheels. Also, the only time the free wheel 11 will be useful is when the carrier is braked, and it has already been established that locking the carrier destroys the functionality of the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3681

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 1, on line 3: the limitation of “an input shaft shifted in a permanent way” is confusing. It is suggested that applicant replace “shifted” with --is connected--; the limitation of “the transmission converging devices” lacks antecedent basis. When introducing a new limitation, applicant should use the words “a or an” preceding the new limitation. On line 7, the limitation of “the mechanical device” lacks antecedent basis. On line 10, the limitation of “A mechanical device” should be replaced with --The mechanical device--. Once a limitation has already been introduced (see line 7), applicant should use the words “the or said” to reference a previously introduced limitation, if it is the same limitation. The limitations of “c)” and “e)” are exactly the same. Applicant should not repeat limitations. There are 2 instances of “a)” and “b)”. With regard to claim 2, on line 7, the limitation of “a drum” should be replaced with --said drum--. With regard to claim 4, lines 1-2, although being a preamble, should reference previously disclosed limitations with “the or said”. On line 7, the limitation of “a sliding shifting coupling” was already introduced on line 6. On line 8, the word “intended” is indefinite, and should be removed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hacht.

With regard to claim 1, Hacht teaches a hydro mechanical automatic transmission for automobiles having an engine and driving wheels (inherent), comprising: an input shaft 1 connected in a permanent way to the engine for transmitting the torque to transmission converting devices, a hydraulic device 14 also connected in a permanent way to said input shaft and to a mechanical device for hydraulically converting and transmitting torque from the engine to the driving wheels (Fig. 4), the mechanical device connected in a permanent way to said input shaft for mechanically converting and transmitting torque from the engine to the driving wheels (Fig. 4), a shifting device as a driving selector mean (Fig. 4), a linking device 8.1 for keeping a permanent connection between the mechanical device and the hydraulic device, and a hydraulic driving device 6.1. With regard to claim 3, Hacht teaches the transmission, wherein the hydraulic device comprises: an output shaft 8.1 for hydraulically transmitting the torque from the engine to the shifting device, and a brake device 13 for partially stopping said hydraulic device, only for shifting purposes.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hacht in view of Chamberlain. With regard to claim 1, Hacht teaches a hydro mechanical automatic transmission for automobiles having an engine and driving wheels (inherent), comprising: an input shaft 1 connected in a permanent way to the engine for transmitting the torque to transmission converting devices, a hydraulic device 14 also connected in a permanent way to said input shaft and to a mechanical device for hydraulically converting and transmitting torque from the engine to the driving wheels (Fig. 6), the mechanical device connected in a permanent way to said input shaft for mechanically converting and transmitting torque from the engine to

Art Unit: 3681

the driving wheels (Fig. 6), a linking device 8.1 for keeping a permanent connection between the mechanical device and the hydraulic device, and a hydraulic driving device 6.1. Hacht lacks the teaching of a shifting device. Chamberlain teaches a shifting devices as a selector mean (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hacht to employ a shifting device in view of Chamberlain in order to provide reversing means. With regard to claim 4, Chamberlain teaches the transmission wherein the shifting device comprises: a planetary bevel gear set, a striated planetary body, a sliding shifting coupling, a yoke associated to said sliding shifting coupling, and a locking device for shifting the reverse position (Fig. 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Karlsson, Lee, and Stockton have been cited to show similar transmissions.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but

Art Unit: 3681

charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Art Unit: 3681

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 703-305-0445. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Roger L Pang
Patent Examiner
Art Unit 3681

RLP
May 2, 2003